



General Assembly

January Session, 2001

***Raised Bill No. 1173***

LCO No. 3731

Referred to Committee on Program Review and Investigations

Introduced by:  
(PRI)

***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE  
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS  
COMMITTEE CONCERNING STAFFING IN NURSING HOMES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-521a of the general statutes is repealed and  
2 the following is substituted in lieu thereof:

3 (a) [On and after July 1, 1992, the] The Department of Public Health  
4 shall, whenever possible, conduct dual inspections of chronic and  
5 convalescent nursing homes or rest homes with nursing supervision  
6 when an inspection of any such [a] facility is necessary for the purpose  
7 of the facility's maintaining state licensure and certification for  
8 participation in the Title XIX Medicaid program or the Title XVIII  
9 Medicare program, provided such dual inspections shall be conducted  
10 in not less than [fifty per cent of such facilities. On and after January 1,  
11 1993, the department shall conduct such dual inspections in not less  
12 than] seventy per cent of such facilities.

13 (b) Prior to any inspection of a chronic and convalescent nursing  
14 home or a rest home with nursing supervision conducted under

15 subsection (a) of this section, the department shall calculate the annual  
16 number of working hours for all registered nurses, licensed practical  
17 nurses and nurse's aides staffing such facility and the total resident  
18 days for such facility based on the most recent report to the  
19 Commissioner of Social Services pursuant to section 17b-340. The  
20 department shall use such information to calculate an average daily  
21 staff-to-resident ratio for such facility. The department shall compare  
22 such ratio to the actual nursing staff levels of such facility during such  
23 inspection.

24 (c) At the time of any inspection of a chronic and convalescent  
25 nursing home or a rest home with nursing supervision conducted  
26 under subsection (a) of this section, the department shall assess  
27 residents' care needs to ensure that sufficient numbers and levels of  
28 licensed nurses and nurse's aides are provided by such facility to meet  
29 required resident care needs. Such assessment shall be based on the  
30 1995 and 1997 Staff Time Measurement (STM) Studies, published by  
31 the federal Health Care Financing Administration, that determine the  
32 nursing minutes needed to care for each resident as ranked in the  
33 Resource Utilization Group-III, resident classification system, provided  
34 the department shall update the basis of such assessment upon the  
35 publication of any subsequent version of the federal Staff Time  
36 Measurement (STM) Studies or any subsequent reclassification of such  
37 resource utilization group. In making such assessment of residents'  
38 care needs, the department shall use the data results of the last full  
39 resident assessment of such facility as required by the federal Health  
40 Care Financing Administration Minimum Data Set. The department  
41 shall compare the total number of care hours required by the category  
42 scores for such resource utilization group to the amount of care  
43 actually provided by licensed nurses and nurse's aides at such facility.  
44 If such total number of care hours actually provided is less than such  
45 number of care hours required by the Resource Utilization Group-III,  
46 the department shall review the methodology used by such facility to  
47 determine the number, experience and qualifications of nursing  
48 personnel necessary to meet residents' care needs.

49       Sec. 2. Section 19a-522 of the general statutes is repealed and the  
50       following is substituted in lieu thereof:

51       [(a) On or before December 1, 1975, the commissioner shall, in  
52       accordance with chapter 54, adopt regulations]

53       (a) The commissioner shall adopt regulations, in accordance with  
54       chapter 54, concerning the health, safety and welfare of patients in  
55       nursing home facilities, classification of violations relating to such  
56       facilities, medical staff qualifications, record-keeping, nursing service,  
57       dietary service, personnel qualifications and general operational  
58       conditions.

59       (b) (1) As used in this subsection, "direct care" means hands-on care  
60       provided to residents of a chronic and convalescent nursing home or a  
61       rest home with nursing supervision, including, but not limited to,  
62       feeding, bathing, toileting, dressing, lifting and moving such residents,  
63       but does not include food preparation, housekeeping or laundry  
64       services, except when such services are required to meet the needs of  
65       any such resident on an individual or situational basis.

66       (2) The department shall not issue a license to or renew the license  
67       of a chronic and convalescent nursing home or a rest home with  
68       nursing supervision unless such facility employs sufficient nursing  
69       personnel needed to provide continuous twenty-four hour nursing  
70       care and services to meet the needs of each resident in such facility.

71       (3) Not later than October 1, 2001, each licensed chronic and  
72       convalescent nursing home and each licensed rest home with nursing  
73       supervision shall maintain aggregate licensed nurse and nurse's aide  
74       staffing levels at or above the following standards:

75       (A) Over a twenty-four-hour period, such facility shall provide not  
76       less than 1.66 hours of direct care and services per resident given by  
77       nurse's aides; and

78       (B) Over a twenty-four-hour period, such facility shall provide not

79 less than 0.7 hours of direct care and services per resident given by  
80 licensed nurses, of which amount not less than 0.1 hours shall be given  
81 by a registered nurse.

82 (4) Not later than October 1, 2002, each licensed chronic and  
83 convalescent nursing home and each licensed rest home with nursing  
84 supervision shall maintain aggregate licensed nurse and nurse's aide  
85 staffing levels at or above the following standards:

86 (A) Over a twenty-four-hour period, such facility shall provide not  
87 less than 2.0 hours of direct care and services per resident given by  
88 nurse's aides; and

89 (B) Over a twenty-four-hour period, such facility shall provide not  
90 less than 0.75 hours of direct care and services per resident given by  
91 licensed nurses, of which amount not less than 0.2 hours shall be given  
92 by a registered nurse.

93 (5) The director of nurses for any such facility with a licensed bed  
94 capacity of sixty-one or greater shall not be included in meeting the  
95 requirements for direct care and services given by licensed nurses  
96 pursuant to subparagraph (B) of subdivision (3) of this subsection and  
97 subparagraph (B) of subdivision (4) of this subsection. Any such  
98 facility with a licensed bed capacity of one hundred twenty-one or  
99 greater shall employ a full-time assistant director of nurses who shall  
100 not be included in meeting the requirements for direct care and  
101 services given by licensed nurses pursuant to subparagraph (B) of  
102 subdivision (3) of this subsection and subparagraph (B) of subdivision  
103 (4) of this subsection.

104 (6) Any licensed chronic and convalescent nursing home or licensed  
105 rest home with nursing supervision that fails to comply with the  
106 minimum staffing requirements of subdivisions (3) and (4) of this  
107 subsection on any day shall submit a report to the department,  
108 identifying the day on which and the shift during which such  
109 noncompliance occurred and specifying the reasons for and

110 circumstances surrounding such noncompliance. The report required  
111 by this subdivision shall be submitted on a quarterly basis. If such  
112 facility fails to submit any report required by this subdivision or  
113 intentionally misrepresents the information contained in any such  
114 report, or if the commissioner determines that there is sufficient  
115 evidence to support a finding that there exists a pattern of  
116 noncompliance by such facility with the minimum staffing  
117 requirements of subdivisions (3) and (4) of this subsection, the  
118 commissioner may take action against such facility in accordance with  
119 sections 19a-524 to 19a-528, inclusive.

120 [(b)] (c) Nursing home facilities may not charge the family or estate  
121 of a deceased self-pay patient beyond the date on which such patient  
122 dies. Nursing home facilities shall reimburse the estate of a deceased  
123 self-pay patient within sixty days after the death of such patient, for  
124 any advance payments made by or on behalf of the patient covering  
125 any period beyond the date of death. Interest, in accordance with  
126 subsection (a) of section 37-1, on such reimbursement shall begin to  
127 accrue from the date of such patient's death.

***PRI***

***Joint Favorable C/R***

***HS***